

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION

FILED

2012 NOV 23 A 10:29

DENNIE HILL,

Plaintiff,

vs.

HEARTLAND CROP INSURANCE, INC.,

Defendant.

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY: DEB. CLERK

No.: 4:12-cv-82

Judge Mattice  
Judge Lee

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1441 AND 1446, the Defendant,  
**HEARTLAND CROP INSURANCE, INC. ("HEARTLAND")**<sup>1</sup> hereby removes  
this action, with reservation of all defenses, from the Circuit  
Court of Franklin County, Tennessee, Winchester Division.  
Subject matter jurisdiction is based upon 28 U.S.C. §1332(a).  
As grounds for removal, **HEARTLAND** would show as follows:

1. The Plaintiff, **DENNIE HILL**, commenced this action on  
October 23, 2012, in the Circuit Court of Franklin County,  
Tennessee, said action being designated in that Court as Case  
No.: 2012-CV-18898.

2. As reflected in his State Court Complaint, a copy of which  
is attached hereto, the Plaintiff seeks damages in excess of  
\$400,000.00 bases upon the alleged denial of a federal crop  
insurance claim.

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<sup>1</sup> Heartland was improperly named in the Complaint as "Heartland Crop Insurance Co."

3. The Plaintiff is a citizen of Franklin County, Tennessee.

4. **HEARTLAND** is a Kansas corporation with its principal place of business located in Shawnee County, Kansas, and thus, for jurisdiction purposes, is deemed to be a citizen of Kansas.

5. Therefore, this is an action "between ... citizens of different states" for purposes of 28 U.S.C. §1332(a). That is, the Plaintiff is a citizen of Tennessee and the Defendant is a citizen of Kansas.

6. Moreover, as shown in paragraph 2, and as further reflected in the state court Complaint, the Plaintiff is seeking actual damages in excess of \$400,000.00. Consequently, the amount in controversy clearly exceeds \$75,000.00, exclusive of interests and costs, as required under 28 U.S.C. §1332(a).

7. **HEARTLAND** was served with a copy of the Plaintiff's Complaint (along with a state court summons) via its registered agent in Tennessee, National Registered Agents, Inc., on October 26, 2012. Pursuant to 28 U.S.C. §1446(b), "notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, ... ." In consideration of the foregoing, this Notice of Removal, which is being filed within 30 days after receipt of the Complaint filed by **HEARTLAND**, is timely.

8. As required by 28 U.S. C, §1446(d), copies of this Notice of Removal have been forwarded to the Plaintiff's counsel of record and the Clerk of the Circuit Court of Franklin County, Tennessee.

9. Copies of the Summons and Complaint are attached as composite Exhibit A to this Notice of Removal. A certified copy of the state court file in connection with this action has been requested and will be made a part of the record herein

**WHEREFORE**, for the reasons set forth above, **HEARTLAND** gives notice of its removal of this action to this Court as provided by law.

Date: November 21<sup>st</sup>, 2012.

I.

Respectfully submitted;

BY: 

GREGORY M. O'NEAL  
2 S. Jefferson St.  
P.O. Box 555  
Winchester, TN 37398  
(931) 967-9496  
BPR 5617

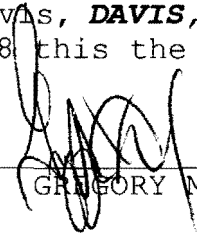
**HENKE-BUFKIN, P.A.**

BY: 

MICHAEL D. STEVENS  
1223 East Jackson Avenue  
Suite 201  
P.O. Box 1124  
Oxford, MS 38655

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Defendant Heartland Crop Insurance, Inc.'s Answer to Complaint has been mailed to Mr. Floyd Don Davis, **DAVIS, KESSLER & DAVIS**, P.O. Box 626, Winchester, TN 37398 this the 21<sup>st</sup> day of November, 2012.

  
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GREGORY M. O'NEAL